

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

IN RE:	:	CHAPTER 7
	:	
GARY M. WALLACE,	:	CASE NO. 15-10221
	:	
Debtor.	:	JUDGE W. H. DRAKE
_____	:	

DEBTOR'S MOTION TO SET CLAIMS BAR DATE

GARY M. WALLACE (the "Debtor"), by his attorney, Smith Conerly LLP, pursuant to Rule 3003(c)(3) of the Federal Rules of Bankruptcy Procedure, requests that the Court set a bar date by which creditors must file proofs of claim, and states:

1. On February 2, 2015, the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code, including its Schedules of Assets and Liabilities.
2. The Debtor owns and manages real estate rental properties located in Coweta, Dade and Walker Counties, Georgia (the "Business") as a debtor-in-possession pursuant to 11 U.S.C. §§ 1107 and 1108.
3. The Debtor intends to file a plan of reorganization that will allow it to continue to own and operate the Business. To do so, the Debtor needs to know the full extent of claims asserted against its estate. As a result, the Debtor needs the Court to set a claims bar date.

4. The Debtor requests that the Court set a bar date of November 30, 2015 for all creditors except administrative claimants to file proofs of claim. Such a date allows creditors more than 30 days after receiving notice of the claims bar date to file their proofs of claim and should be more than adequate considering that the Debtor has already filed its Schedules of Assets and Liabilities and this case has been pending for more than ten (10) months.

WHEREFORE, the Debtor respectfully requests that the Court enter an order setting November 30, 2015 as the bar date by which all creditors except administrative claimants must file proofs of claim, and granting the Debtor such other and further relief as this Court deems just and equitable.

Dated: October 19, 2015

Respectfully submitted,

By: /s/ J. Nevin Smith
J. Nevin Smith
Attorney for Debtor

SMITH CONERLY LLP
402 Newnan Street
Carrollton, GA 30117
(770) 834-1160

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CERTIFICATE OF SERVICE

I, J. Nevin Smith, declare that on October 19, 2015, I served the following:

DEBTOR'S MOTION TO SET CLAIMS BAR DATE

has been served upon the parties listed on Exhibit "A" attached hereto by placing a copy of same in the United States Mail, postage prepaid and addressed.

Dated: October 19, 2015

/s/ J. Nevin Smith
J. Nevin Smith

SMITH CONERLY LLP
402 Newnan Street
Carrollton, Georgia 30117
770-834-1160

EXHIBIT "A"

American Express
PO Box 3001
16 General Warren Blvd
Malvern, PA 19355-1245

American Express Bank, FSB
c o Becket and Lee LLP
POB 3001
Malvern, PA 19355-0701

American Express Centurion Bank
c o Becket and Lee LLP
POB 3001
Malvern, PA 19355-0701

Avery S. Jackson
PO Box 2069
Carrollton, GA 30112-0039

BB&T
P.O. Box 580506
Charlotte, NC 28258-0506

(p)BB AND T
PO BOX 1847
WILSON NC 27894-1847

Bank of America
Attn: Corresp Unit/CA6-919-02-41
PO Box 5170
Simi Valley, CA 93062-5170

Bank of Lafayette
PO Box 1149
LaFayette, GA 30728-1149

Benjamin T. Bradford
105 E. LaFayette Square
La Fayette, GA 30728-2929

Brookstone Park HOA
3150 Hwy. 34 East
Suite 209
Newnan, GA 30265-2123

CACH, LLC
4340 S. Monaco Street
2nd Floor
Denver, CO 80237-3485

CPU/CBNA
PO Box 6497
Sioux Falls, SD 57117-6497

Cach, LLC, as Assignee of MBNA
c/o Lageza & Johanson, LLC
3520 Piedmont Rd. NE Ste 415
Atlanta, GA 30305-1512

Capital One, N.A.
Capital One Bank (USA) N.A.
PO Box 30285
Salt Lake City, UT 84130-0285

Charles D. Jones
One Griffin Center
Suite 600
Griffin, GA 30223

Charter Federal
PO Box 472
West Point, GA 31833-0472

CharterBank
269 Roswell Street
Marietta, GA 30060-2063

Clifton M. Sandlin
PO Box 1038
Newnan, GA 30264-1038

Coweta Co. Tax Commissioner
P.O. Box 195
Newnan, GA 30264-0195

Dade County Tax Commissioner
71 Case Avenue
Trenton, GA 30752-2429

Dade County Tax Commissioner
Jane I. Moreland
PO Box 349
Trenton, GA 30752-0349

Discover Bank
1427 Roswell Road
Marietta, GA 30062-3668

Discover Bank
Discover Products Inc
PO Box 3025
New Albany, OH 43054-3025

Discover Fin Svcs LLC
PO Box 15316
Wilmington, DE 19850-5316

Hubert Nall, III
207 Avery Street
Decatur, GA 30030-3804

INTERNAL REVENUE SERVICE
P O BOX 7346
2970 MARKET STREET
PHILADELPHIA, PA 19104-5002

Internal Revenue Service
P. O. Box 7346
Philadelphia, PA 19101-7346

Israel Virgil
3130 Antioch Road
Franklin, GA 30217-3620

Jarvis B. Lakemaker
1427 Roswell Road
Marietta, GA 30062-3668

A. Keith Logue 3423 Weymouth Ct. Marietta, GA 30062-4286	A. Keith Logue Logue Law, PC 3423 Weymouth Court Marietta, GA 30062-4286	Melissa Lynn Greissing as Exec c/o Samuel J. Beck 42 Eastbrook Bend Peachtree City, GA 30269-1530
Midland Funding 8875 Aero Dr Ste 200 San Diego, CA 92123-2255	Mountain Valley Community Bank 136 N. Main Street Cleveland, GA 30528-1122	Office of the United States Trustee 362 Richard Russell Building 75 Ted Turner Drive, SW Atlanta, GA 30303-3315
Peter A. Durham Gover & Davis, P.A. P.O. Box 1038 Newnan, GA 30264-1038	(p)PORTFOLIO RECOVERY ASSOCIATES LLC PO BOX 41067 NORFOLK VA 23541-1067	Regions Bank PO Box 11007 Birmingham, AL 35288-0001
Thomas D. Richardson Brinson, Askew, Berry, et al P. O. Box 5007 Rome, GA 30162-5007	Robert Wallace 1310 Ringgold Road La Fayette, GA 30728-6308	John D. Schlotter Aldridge Pite, LLP Fifteen Piedmont Center Suite 500 3575 Piedmont Rd., NE Atlanta, GA 30305-1623
Sears/CBNA PO Box 6283 Sioux Falls, SD 57117-6283	Secretary of the Treasury 15th & Pennsylvania Avenue, NW Washington, DC 20200	J. Nevin Smith Smith Conerly LLP 402 Newnan Street Carrollton, GA 30117-3111
Thomas Edward Austin, Jr. Suite 1005 3490 Piedmont Road, NE Atlanta, GA 30305-4809	Thomas Kirk 15 Highland Parkway Sharpsburg, GA 30277-3454	R. Jeneane Treace Office of the United States Trustee 362 Richard Russell Bldg. 75 Ted Turnerr Drive, SW Atlanta, GA 30303-3315
U. S. Securities and Exchange Commission Office of Reorganization Suite 900 950 East Paces Ferry Road, NE Atlanta, GA 30326-1382		United Bank PO Box 340 Barnesville, GA 30204-0340
Walker County Property Tax Commissioner 101 Farris Street P O Box 628 LaFayette, GA 30728-0628	Walker County Tax Commissioner PO Box 1604 La Fayette, GA 30728-1604	Gary M Wallace 762 Vaughn Road Newnan, GA 30265-1869
R. Brian Wooldridge Mann & Wooldridge 28 Jackson Street PO Box 310 Newnan, GA 30264-0310	Zwicker & Associates, P.C. Suite 120 2470 Satellite Blvd. Duluth, GA 30096-1256	

BB&T Bankruptcy
PO Box 1847
Wilson, NC 27894-1847
100-50-01-51

Portfolio Recovery
Attn: Bankruptcy
PO Box 41067
Norfolk, VA 23541

(d)Portfolio Recovery Associates, LLC
POB 41067
Norfolk VA 23541

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_____	:	

ORDER AND NOTICE FIXING TIME WITHIN WHICH
PROOFS OF CLAIM MUST BE FILED

Upon application by the debtor herein, and pursuant to Bankruptcy Rule 3003(c)(3), and it appearing that the debtor has filed a list of creditors pursuant to Bankruptcy Rule 1007, it is hereby

ORDERED AND NOTICE IS HEREBY GIVEN that the Court fixes

November 30, 2015 (the “Bar Date”)

as the last day on which any entity, including without limitation, individuals, partnerships, corporations, estates, trustees and governmental units, may file a timely proof of claim or interest in this case. The term “claim”, defined in 11 U.S.C. § 101(5), includes those secured by an interest in Debtor’s property or property of the estate and may include claims arising from the rejection of an executory contract or unexpired lease.

PLEASE TAKE FURTHER NOTICE that any such proof of claim or interest shall be filed with:

Clerk, U.S. Bankruptcy Court
1340 U.S. Courthouse
75 Spring Street, S.W.
Atlanta, Georgia 30303-3367

with a copy of all proofs of claim mailed to counsel for the Debtor at the following address:

J. Nevin Smith, Esq.
Smith Conerly LLP
402 Newnan Street
Carrollton, Georgia 30117

A proof of claim will be deemed timely filed only if it is actually received by the Clerk's Office, whether in paper or electronic form, on or before the Bar Date.

PLEASE TAKE FURTHER NOTICE THAT ALL ENTITIES FAILING TO FILE A PROOF OF CLAIM OR INTEREST ON OR BEFORE THE BAR DATE MAY BE FOREVER BARRED FROM (A) ASSERTING A CLAIM AGAINST, OR INTEREST IN, THE DEBTOR, THE DEBTOR'S PROPERTY OR THE BANKRUPTCY ESTATE AND (B) VOTING UPON, OR RECEIVING DISTRIBUTIONS UNDER, ANY CONFIRMED PLAN OF REORGANIZATION, except that the following entities need not file a proof of claim or interest:

(1) Any entity that has already properly filed a proof of claim or interest with the Clerk of this Court; and

(2) Any entity with a claim or interest listed in Debtor's Schedules in an amount and in a classification satisfactory to that entity and not designated in the Schedules as disputed, contingent or unliquidated.

PLEASE TAKE FURTHER NOTICE that pursuant to section 1111(a) of the Bankruptcy Code, 11 U.S.C. § 1111(a), a proof of claim or interest is deemed filed for any claim that appears in the Debtor's Schedules, except any claim or interest that is scheduled as disputed, contingent or unliquidated as to amount. Debtor's Schedules may be examined during normal business hours at the office of the Clerk, U.S. Bankruptcy Court, whose address appears above. Debtor's Schedules may be found at <http://pacer.psc.uscourts.gov/>. An entity planning to rely on the Schedules is responsible for reviewing them to determine whether the claim or interest (1) is listed as disputed, contingent, unliquidated or (2) is listed in the correct amount or (3) is otherwise properly scheduled, that entity must file a proof of claim or interest on or before the Bar Date in order to be certain that it receives the treatment it asserts is correct.

IT IS FURTHER ORDERED that counsel for Debtor shall serve a copy of this Order and Notice upon all creditors and parties in interest within 72 hours of entry hereof and shall file the appropriate certificate of service with this Court within three (3) business days thereafter.

[END OF DOCUMENT]

Prepared and Presented by:

By: /s/ J. NevinSmith
J. Nevin Smith
Georgia Bar No. 661110

SMITH CONERLY LLP
402 Newnan Street
Carrollton, Georgia 30117
770-834-1160